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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FLOYD WALLACE)	Case No.: 2:23-cv-00809
)	
Plaintiff,)	PLAINTIFF’S UNOPPOSED MOTION
)	TO EXTEND TIME TO RESPOND TO
v.)	MOTION OR IN THE
)	ALTERNATIVE FOR LEAVE TO
LAS VEGAS METROPOLITAN POLICE)	FILE LATE OPPOSITION;
DEPARTMENT, et al.)	
)	
Defendants.)	
_____)	

INTRODUCTION

I, Plaintiff Floyd Wallace, pursuant to Fed. R. Civ. P. Rule 6, moves this Honorable Court for an extension of time to respond to Defendant Las Vegas Metropolitan Police Department (“LVMPD”)’s Motion to Strike Plaintiff’s Complaint (“Motion”) at ECF No. 10. Or in the alternative, for leave to file a late opposition in the interest of justice. This motion is made and based on the attached Memorandum of Points and Authorities, the pleadings, and papers on file herein, and any oral argument allowed by counsel at the time of the hearing.

When emailing the only currently participating defendants, LVMPD, they did not oppose my moving this court to stay proceedings until I could find counsel, granting an extension to file an opposition to their motion.

While my motion for *pro bono* panel referral was denied, my motion for a stay was

1 mistakenly denied as moot, even though it requested a stay even if my motion for *pro bono* was
2 denied (ECF No. 24, 4:2).

3 I'm requesting until September 15, 2023 or longer if the court grants it, to respond to
4 Defendants frivolous Motion, so that I may respond to it with the help of counsel. I'm happy to
5 regularly update the Court as to the status of my search.

6 Additionally, I have been delayed by being illegally jailed two times in the last 30 days.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 **A. Rule 6 authorizes this Court to extend time.** Fed. R. Civ. P. Rule 6(b)(1)(B) grants
9 this Court the authority, for good cause, to extend the time before the original time or its
10 extension expires.

11 **B. Discretion to accept late filings.** The Ninth Circuit Court of Appeals considered a
12 district court's discretion to accept late filings in *U.S. v. Heller*, 551 F.3d 1108 (9th Cir. 2009).

13 **CONCLUSION**

14 Accordingly, Plaintiff respectfully requests this Court:

15 1. Extend the time to file a response to Defendants Motion until September 15, 2023, or
16 longer, or in the alternative leave to file a late opposition, and LVMPD does not oppose this.

17
18 DATED: August 17 August 17, 2023

Respectfully submitted,

19 Floyd Wallace

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